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FILED
HARRISBURG, PA

JUL 22 2003

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARY E. D'ANDREA, CLERK
Per [Signature] Deputy Clerk

MANUEL RAMOS,	:	CIVIL NO.: 1:00-CV-1957
Plaintiff,	:	
	:	
v.	:	
	:	
MARGARET HARDEN, DR. MCGLORI,	:	(Magistrate Judge Smyser) ✓
DR. MAXIMO R. VELASCO, JR.,	:	
DR. ANTHONY BUSSANICH, and	:	
DR. PETER J. TERHAAR,	:	
Defendants.	:	

**MOTION PURSUANT TO RULE 56(f) TO STAY PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, TO REQUEST
APPOINTMENT OF AN EXPERT WITNESS, AND TO DIRECT DEFENDANTS TO
PROVIDE PLAINTIFF WITH DEFENDANTS' DISCLOSURES**

AND NOW, comes Plaintiff, Manuel Ramos, by and through his attorney, Andrew J.

Ostrowski, Esquire, and, pursuant to his Motion Pursuant to Rule 56(f), avers as follows:

1. On June 12, 2003, Plaintiff filed a motion to withdraw as counsel because Counsel was, and still is, unable to financially incur the burden and expense of procuring the expert services that are necessary to adequately represent Plaintiff in his claims sounding in medical malpractice which was denied by Order of Court dated June 19, 2003.
2. Plaintiff was transferred to Lewisburg during this litigation, but has now been returned to USP-Florence Colorado.
3. Defendants have filed Motions for Summary Judgment.

4. In order to fully and adequately respond to Defendants' Motions for Summary Judgment, Plaintiff's Counsel intends to submit an affidavit from the Plaintiff, who does not speak English and, as of the date of this filing, Counsel has not been able to contact Plaintiff, and seeks an enlargement of time within which to respond to Defendants Motions for Summary Judgment.
5. Plaintiff's right hand has been permanently injured by the failure of Defendants to provide timely treatment for, then conducting "experimental" surgery on, an injury to Plaintiff's right hand suffered during an altercation with another inmate and a guard. Central to Plaintiff's ability to recover on some aspects of his claims in this case is Plaintiff's ability to offer competent expert support for the existence, nature, cause, and continuing effect of Plaintiff's injuries. Plaintiff has been unable to find an expert witness in the Lewisburg area, and intends to continue those efforts either in the Lewisburg area or, if necessary, in the area of Florence Colorado.
6. Inasmuch as Plaintiff is indigent, and claims to have suffered injuries at the hands of federal officials and/or others acting under color of federal law, this Court should approve the payment of fees, in an amount to be determined, to enable Plaintiff to secure the opinion of an expert witness. In the alternative, this Court should appoint an expert witness to conduct an evaluation Plaintiff's injuries and treatment for use at trial.
7. In addition to the foregoing, none of the Defendants have made and/or produced the disclosures required of them under Fed. R. Civ. P. 26, and Plaintiff requests that all such disclosures be produced before Plaintiff is required to respond to Defendants' Motions for Summary Judgment.

8. Plaintiff's Counsel's delay in bringing these matters before the Court sooner was due, in part, to medical treatment that Counsel was receiving during the months of May and June, as well as staffing problems that Counsel experienced.

WHEREFORE, Plaintiff respectfully requests that this Court enter an appropriate Order granting relief consistent with the foregoing.

Respectfully submitted,

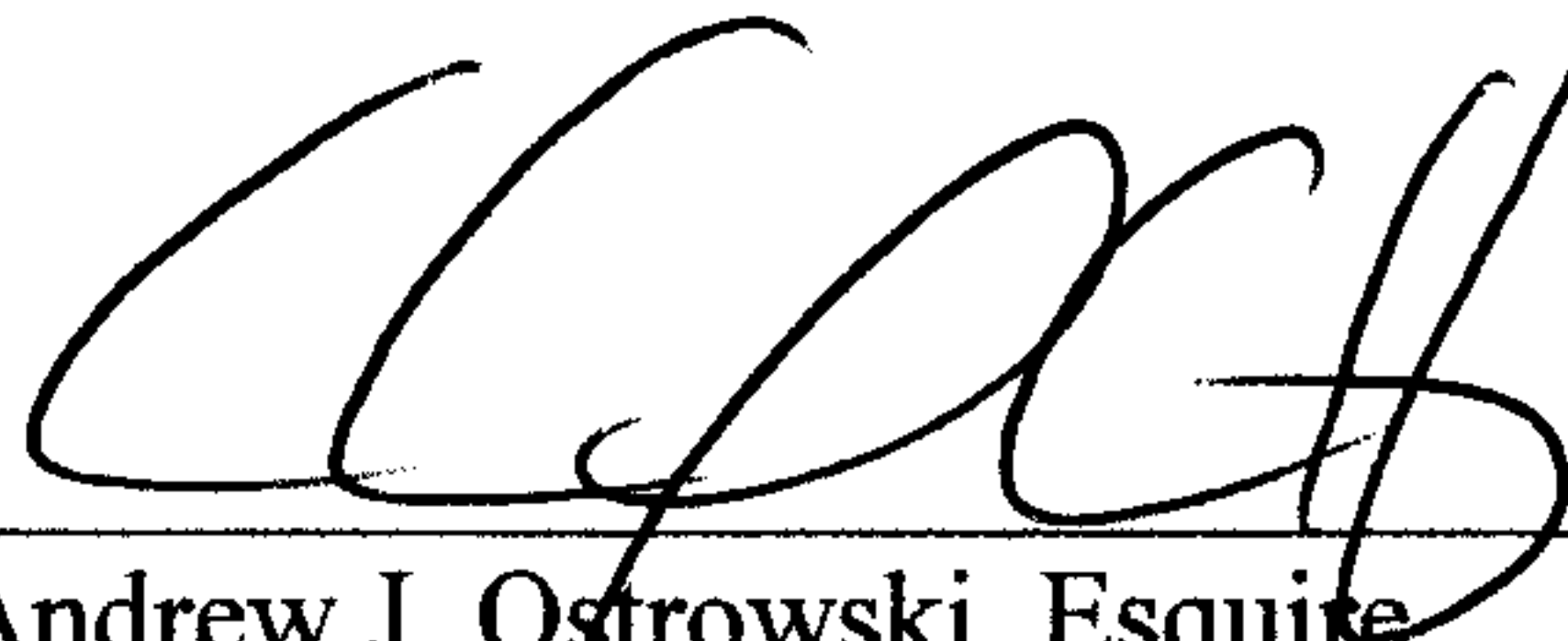
Date: 7/24/03

A handwritten signature in black ink, appearing to read 'A. Ostrowski', written over a horizontal line.

Andrew J. Ostrowski, Esquire
PA Id. # 66420
4311 N. Sixth Street
Harrisburg, PA 17110
717-221-9500
Attorney for Plaintiff

CERTIFICATE OF NONCONCURRENCE

I, Andrew J. Ostrowski, hereby certify that Counsel for Defendants do not concur in the foregoing Motion.

A handwritten signature in black ink, appearing to read 'A. Ostrowski', is written over a horizontal line.

Andrew J. Ostrowski, Esquire

PA I.D. No.: 66420

4311 North Sixth Street

Harrisburg, PA 17110

(717) 221-9500

Attorney for Plaintiffs

Dated: July ²~~21~~, 2003

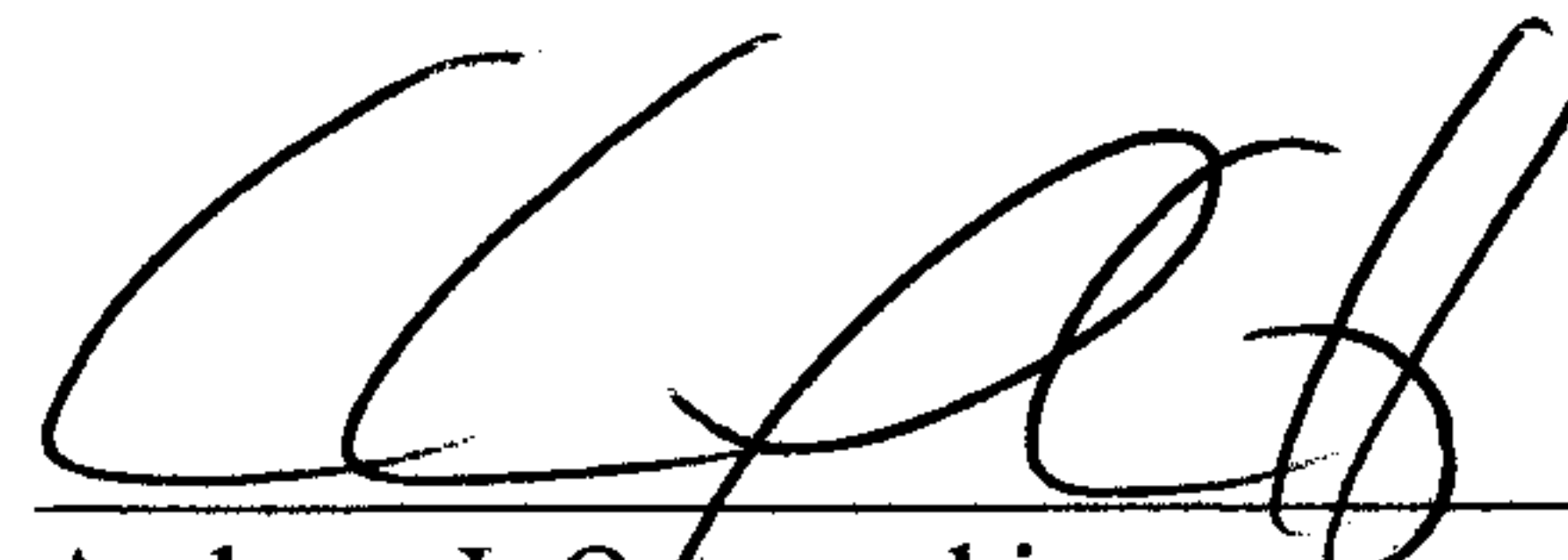
CERTIFICATE OF SERVICE

I, Andrew J. Ostrowski, hereby certify that the foregoing document is being served by first-class mail, addressed as follows:

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Assistant United States Attorney
U.S. Attorney's Office for the Middle District of Pennsylvania
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July 21, 2003



Andrew J. Ostrowski